



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 2855-00

21 July 2000

MGYSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Master Gunner [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that your failure of selection by the 1999 Master Gunnery Sergeant Selection Board be stricken, and that the date of rank and effective date of your promotion to master gunnery sergeant be backdated to reflect selection by the 1999, vice 2000, promotion board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 22 May 2000, a copy of which is attached. They also considered your rebuttal letter dated 14 July 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board noted that you could have provided to the 1999 promotion board the same information concerning your accomplishments which you provided to the 2000 promotion board, before which you were successful. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

2855-00

IN REPLY REFER TO:
1400/3
MMPR-2
22 May 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF MASTER SERGEANT [REDACTED]
[REDACTED] USMC

Ref: (a) DD Form 149 of 1 Mar 99
(b) CMC ltr 1420/2 MMPR-2 of 7 May 99
(c) MCO P1400.32B
(d) HQMC (MPE) Memo 5354 MPE undated

1. Master Sergeant [REDACTED] submitted a request to have his date of rank backdated to the date of rank that he would have received along with his contemporaries for the regular 1999 Sergeant Major through Master Sergeant Selection Board (reference (a)). He was recently selected for promotion to Master Gunnery Sergeant by the 2000 Sergeant Major through Master Sergeant Selection Board.

2. Master Sergeant [REDACTED] previously submitted a similar request to the Commandant of the Marine Corps for remedial consideration based on the belief that he failed promotion selection because parts of his record were either incomplete or illegible to board members. Per reference (b), he was denied remedial promotion consideration due to his failure to meet the criteria outlined in paragraphs 3502 and 3503 of reference (c). Specifically, absence of material from a Marine's military personnel file does not normally satisfy the requirements for the granting of remedial consideration. Paragraph 3104.2 of reference (c) further states that the entire service record may not always be available for consideration by the selection board, and where the selection board determines that a Marine's case is incomplete but there is sufficient information to make a valid recommendation, the Marine is not entitled to remedial consideration. The confidentiality of the selection board process precludes us from knowing the exact reasons for Master Sergeant [REDACTED] nonselection by the 1999 Sergeant Major through Master Sergeant Selection Board. We can only infer that, based on a majority vote of the board members, his record was not competitive with the records of the Marines selected for promotion.

Subj: ADVISORY OPINION IN THE CASE OF MASTER SERGEANT [REDACTED]
A. [REDACTED] MC

3. Master Sergeant [REDACTED] included a memorandum, reference (d), wherein officials in MPE recommend that he [REDACTED] request mast to address issues of unfair treatment. The memorandum includes a recommendation to investigate these issues and, should the investigation reveal that wrongs were committed, then Master Sergeant [REDACTED] should be recommended for remedial consideration. If such an investigation is conducted and findings of wrongdoing are substantiated, Master Sergeant [REDACTED] then be entitled to remedial consideration.

4. We recommend that no further action be taken on Master Sergeant [REDACTED] request, as his record has not changed.

[REDACTED]
[REDACTED]
A [REDACTED]
Head, Enlisted Promotion Section
Promotion Branch
By direction of
the Commandant of the Marine Corps